

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

TERRY MITCHELL,

Defendant.

1:23-cr-00198 (ALC)

ORDER

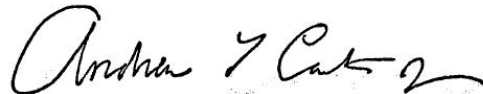
ANDREW L. CARTER, JR., District Judge:

The parties are directed to be prepared to answer the following questions during tomorrow's oral argument:

- Is the gun Defendant was convicted for possessing the same gun that allegedly used to threaten his neighbors?
- Under the *Bruen* framework, which facts of the case should the Court examine?
- How does Defendant's status as an individual with nonviolent felony convictions affect the analysis under the *Bruen* framework?
- When considering an as-applied claim in the context of the Second Amendment, which facts of the case should the Court examine?
- The government has presented evidence of the existence of religious and race-based arms restrictions in England and in the colonial era. When undertaking a *Bruen* analysis, how can and should the Court rely on these restrictions, which would be unconstitutional today, to justify Section 922(g)(1)?

SO ORDERED.

Dated: September 13, 2023
New York, New York



ANDREW L. CARTER, JR.
United States District Judge